

# UNITED STATES DISTRICT COURT

for  
NORTHERN DISTRICT OF CALIFORNIA  
Venue

E-Filed

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**Request to Modify the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

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Name of Offender: Robert Mackenzie Docket No.: CR 3:08-00036-01 JSW

Name of Sentencing Judge: Joseph E. Irenas, United States District Judge  
District of New Jersey

Date of Original Sentence: July 18, 2005

**Original Offense:**

Count 1: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B), a Class D felony

Original Sentence: 27 months custody; three years supervised release

Special Conditions: access to financial information; consent to examinations of computer equipment, including retrieval and copying of all data and consent to installation of hardware or software to monitor use; register as a sex offender pursuant to state law; no contact with minors; DNA collection; search; and \$3,000 fine.

Transfer of Jurisdiction: January 16, 2008

Type of Supervision: Supervised Release  
Assistant U.S. Attorney: Duty AUSA

Date Supervision Commenced: August 7, 2007  
Defense Counsel: Duty AFD (Appointed)

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**Petitioning the Court**

To modify the conditions of supervision as follows:

The offender shall participate in a program of sex offense-specific treatment, which may include physiological testing, specifically, the Abel Screen for Sexual Interest, as directed by the probation officer.

**Cause**

Based on Mr. McKenzie's count of conviction, sex offense-specific treatment is recommended. Mr. McKenzie was advised of his rights and suggested that he consult with defense counsel from the Assistant Public Defender's Office in San Francisco. Mr. McKenzie declined to consult with defense

Robert Mackenzie  
CR 3:08-00036-01

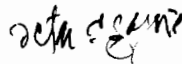
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counsel and signed the waiver of hearing which is attached for the Court's review.

Address of offender: 1142 Eddy Street  
San Francisco, CA 94109

Respectfully submitted,

Reviewed by:

  
\_\_\_\_\_  
Octavio E. Magaña  
U.S. Probation Officer Specialist

  
\_\_\_\_\_  
Amy Rizer  
Supervisory U.S. Probation Officer

Date Signed: March 24, 2008

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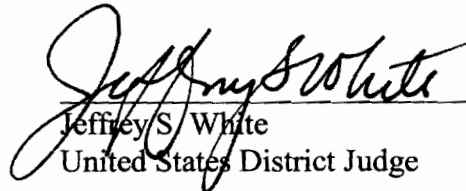
~~THE COURT ORDERS:~~

☒ To modify the conditions of supervision as follows:

The offender shall participate in a program of sex offense-specific treatment, which may include physiological testing, specifically, the Abel Screen for Sexual Interest, as directed by the probation officer.

- ☐ Submit a request for warrant
- ☐ Submit a request for summons
- ☐ Other:

3/26/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeffrey S. White  
United States District Judge

NDC-PROB 49 02/01/05

# UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

Defendant Name: Robert Mackenzie

Docket No.: CR 08-00036-1

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## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term Of Supervision

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I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel", I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The offender shall participate in a program of sex offense-specific treatment, which may include physiological testing, specifically, the Abel Screen for Sexual Interest, as directed by the probation officer.

☐ *continued on next page*

I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct and that this declaration was executed on the date indicated at San Francisco.

Signed: \_\_\_\_\_

Probationer or Supervised Releasee

Date: \_\_\_\_\_

3/25/08

Witness: \_\_\_\_\_

Octavio E. Magaña  
U.S. Probation Officer Specialist

Date: \_\_\_\_\_

3/25/08

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

ROBERT MACKENIZE et al,

Defendant.

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Case Number: CR08-00036 JSW

**CERTIFICATE OF SERVICE**

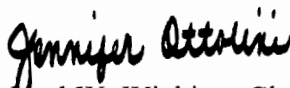
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 27, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Federal Public Defender  
450 Golden Gate Avenue  
San Francisco, CA 94102

Amy Rizor  
US Probation Office  
(via inter-office mail)

Dated: March 27, 2008



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk